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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,178	03/09/2000	Toshio Inoue	0303-0420	2307

7590 08/12/2005

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EXAMINER

LAO, LUN S

ART UNIT PAPER NUMBER

2644

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/522,178

Applicant(s)

INOUE ET AL.

Examiner

Lun-See Lao

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04-22-2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is response to an amendment filed on 06-10-2005. Claims 1 and 6 have been amended and claims 7-8 has been canceled and claims 13-14 have been added. Claims 1-6 and 9-14 are pending.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (The institute electronics, information and communication engineers) in view of Nakao (US PAT 5,651,072).

Consider claim 1, Nakao teaches an active noise control circuit comprising:

feed-forward control means (see figs.9, 11 (x)) for being supplied with a reference signal (x) highly correlated to noise from a noise source (such as engine) and generating a noise cancellation signal (such as speaker) which is out of phase to noise in the passenger compartment of a vehicle (see page 7 line 8-page 10 line 2);

canceling sound generating means (speakers) disposed in the passenger compartment for generating a noise canceling sound in, response to the noise cancellation signal from said feed forward control means (see page 7 line 8-page 10 line 2); and

a microphone (see fig.11 and microphone) disposed in the passenger compartment of the vehicle with the fixed roof, the microphone being located on the fixed roof of the vehicle (see page 7 line 8-page 10 line 2); and at an antinode of an acoustic normal mode of the passenger compartment (see fig.11), for detecting and canceling said noise of which sound pressure level is high, and for generating an output signal as the reference signal (see page 11 line 18-page 12 line 8);

a noise cancellation-confirming microphone (see fig.11, (microphone)) for confirming cancellation of the noise in the passenger compartment;

wherein said feed-forward control means (see fig.11) comprises means inherently for lowering the levels of output signals from said noise cancellation-confirming microphone with the noise cancellation signal (see page 7 line 8-page 10 line 2); but, Masao does not clearly teach the microphone being centrally located on the fixed roof of the vehicle and the noise cancellation-confirming microphone is positioned in a vicinity of ears of occupants seated in the passenger compartment.

However, Nakao teaches the noise cancellation-confirming microphone (see fig.1, (7-1, 7-2, 7-3, 7-4)) is positioned in a vicinity of ears of occupants seated in the passenger compartment (col.5 line 46-col.6 line 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakao into Masao provide the noise is automatically and more accurately reduced to an occupant-acceptable level.

On the other hand, Masao indicates the microphone being centrally located on the fixed roof of the vehicle, but not sure the microphone located in centrally on the roof of the vehicle and various the position of microphone in difference place is well known in the art. Therefore, it would have been obvious to one of the ordinary skill in the art at the time

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the invention was made to modify the invention of Masao by implementing a particular microphone arrangement as claimed for the purpose of acquiring the desired noise pickups at various directions evenly in vehicle compartment.

Consider claim 2, Nakao teaches the antinode of the acoustic normal mode of the passenger compartment comprises an antinode in a primary mode or a secondary mode in a longitudinal direction of the passenger compartment (see col.5 line 3-col.6 line 62).

Consider claims 3-5, Masao teaches an active noise control circuit of the noise cancellation-confirming microphone comprises:

A plurality of noise cancellation-confirming microphone (see fig.11, microphones) being positioned respectively near laterally spaced roof rails of the vehicle in confronting relationship to the ears of occupants seated in the passenger compartment (see page 7 line 8-page 10 line 2); and an active noise control circuit (see fig.11) of the noise cancellation-confirming microphone (see fig. 11, microphone) is positioned substantially centrally between laterally spaced roof rails of the vehicle in confronting relationship to the ear on the compartment side of an occupant seated in the passenger compartment (see page 7 line 8-page 10 line 2); and an active noise control system of further comprising a microphone (see fig.11, microphone ) disposed near a central console the passenger compartment (see page 11 line 18-page 12 line 8).

Consider claim 5 Masao teaches and a microphone (see fig.11, microphone) approximately disposed near a central console in the passenger compartment.

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4. Claims 6 and 9-10, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao ((The institute electronics, information and communication engineers) in view of Mason (US PAT. 5,410,607).

Consider claims 6 and 9-10, Masao teaches an active noise control system comprising:

a microphone (see fig.11, microphone) positioned in the passenger compartment of a vehicle having a fixed roof the microphone being located at an antinode of a primary or secondary acoustic normal mode of the passenger compartment of the vehicle for detecting said noise of which sound pressure level is high (see page 11 line 18-page 12 line 8);

canceling sound generating means (see fig. 11, speakers) disposed in the passenger compartment for generating a noise canceling sound;

a feedback control circuit (see fig.11) for microphone and generating an output signal to energize said canceling sound generating being supplied with an output signal from said means (see page 7 line 8-page 10 line 2); but, Nakao does not clearly teach that a storage box, where in said microphone and said feedback control circuit are housed together in said storage box, said feedback control circuit having an adjusting circuit for adjusting the amplitude and phase of disposed between a canceling sound generating means and the microphone, base on a transfer characteristic from said microphone to generate a noise cancellation signal which is of the same sound pressure as, but out of phase to, noise at the microphone; and the microphone is disposed beneath a front seat in the passenger compartment.

However, Mason teaches that an active noise control system is comprising a storage box (see fig.2), where in said microphone (200 (motion sensor)) and said feedback

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control circuit (100) are inherently housed together in said storage box (106 enclosure)(see col.4 line 60-col.5 line 60), said feedback control circuit (100) having an adjusting circuit (202, controller) for adjusting the amplitude and phase of disposed between a canceling sound generating means (104) and the microphone (200 (motion sensor)), base on a transfer characteristic from said microphone (200 (motion sensor)) to generate a noise cancellation signal which is of the same sound pressure as, but out of phase to, noise at the microphone (see col.5 lines 2-61); and the storage box has holes (fig.7a) defined therein for the passage of noise in the passenger compartment (see col.9 line 30-col.10 line 30).

Therefore, it would have been obvious to one of ordinary skill in the art to utilize the storage box, the microphone and the feedback control circuit as taught by Mason into Masao. This would have positioned the apparatus in a location attached to the vibration surface, such that the intrusion into the desired quiet zone is minimized. This is advantageous in confined areas, such as cabins, where space is a premium.

It is noted that while Masao does not teach that the storage box is disposed beneath a front seat in the passenger compartment, Masao does indicate that some components of the noise control system, such as the speaker, are placed beneath a front seat in the passenger compartment (see fig.11 (speakers)). Therefore it would have been obvious to dispose the storage box, which is a component of the active noise control system in the combined teaching of Masao and Mason, beneath a front seat in the passenger compartment.

Consider claims 12 and 14 Mason teaches the active noise control system wherein frequency of said noise ranges from approximately 20 to 120 Hz (see fig.6 and col.9 line 20-30) and the frequency of said noise ranges from 40 to 80Hz (see fig.6 and col.9 line 20-30)

5. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (The institute electronics, information and communication engineers) as modified by Nakao (US PAT 5,651,072) as applied to claim 1 above, and further in view of Mason (US PAT. 5,410,607).

Consider claims 11 and 13 Masao and Nakao do clear teach that the active noise control system wherein frequency of said noise ranges from 20 to 120 Hz and the frequency of said noise ranges from 40 to 80Hz.

However, Mason teaches that the active noise control system wherein frequency of said noise ranges from approximately 20 to 120 Hz (see fig.6 and col.9 line 20-30); and frequency of said noise ranges from 40 to 80Hz(see fig.6 and col.9 line 20-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Mason into the teaching of Masao and Nakao provide a better low frequency noise control system.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-6 and 9-14 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Osamu (JP 04-87898) is recited to show other related active noise control system.

9. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Facsimile responses should be faxed to:

**(703) 872-9306**

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See  
Patent Examiner  
US Patent and Trademark Office  
Knox  
571-272-7501

Date 08-07-2005



**VIVIAN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**